

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jaimie Vernon	Team: Squad #4	CCRB Case #: 201509378	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 10/25/2015 6:00 AM	Location of Incident: East 105th Street and First Avenue, 23rd Precinct stationhouse	Precinct: 23	18 Mo. SOL 4/25/2017	EO SOL 4/25/2017	
Date/Time CV Reported Sun, 10/25/2015 4:35 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 11/03/2015 12:38 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Jonathan Hom	4803	940269	023 PCT
2. POM Maynor Serrano	13184	934350	023 PCT
3. SGT Edwin Jerez	3670	941258	023 PCT
4. POF Kristy Abbasciano	00131	933589	023 PCT
5. POM Thomas Buseck	00158	948722	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Karlina Cortes	13048	939840	023 PCT
2. POF Judy Biondolillo	18428	943374	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Edwin Jerez	Abuse: On October 24, 2015, at East 105th Street and First Avenue, Sgt. Edwin Jerez frisked § 87(2)(b)	
B.SGT Jonathan Hom	Force: On October 25, 2015, inside the 23rd Precinct stationhouse, Sgt. Jonathan Hom used physical force against § 87(2)(b)	
C.POM Maynor Serrano	Force: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Maynor Serrano used physical force against § 87(2)(b)	
D.SGT Jonathan Hom	Abuse: On October 25, 2015, inside the 23rd Precinct stationhouse, Sgt. Jonathan Hom threatened § 87(2)(b) with the use of force.	
E.POM Maynor Serrano	Force: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Maynor Serrano tased § 87(2)(b)	
F.POF Kristy Abbasciano	Force: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Kristy Abbasciano used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G.POM Maynor Serrano	Force: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Maynor Serrano used a chokehold against § 87(2)(b)	
H.POM Maynor Serrano	Force: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Maynor Serrano restricted § 87(2)(b)'s breathing.	
I.SGT Jonathan Hom	Abuse: On October 25, 2015, inside the 23rd Precinct stationhouse, Sgt. Jonathan Hom refused to provide his name and shield number to § 87(2)(b)	
J.POM Maynor Serrano	Abuse: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Maynor Serrano refused to provide his name and shield number to § 87(2)(b)	
K.POM Thomas Buseck	Abuse: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Thomas Buseck refused to provide his name and shield number to § 87(2)(b)	
L.POF Kristy Abbasciano	Abuse: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Kristy Abbasciano refused to provide her name and shield number to § 87(2)(b)	
	§ 87(4-b), § 87(2)(g)	
	§ 87(4-b), § 87(2)(g)	
	§ 87(2)(g), § 87(4-b)	
	§ 87(2)(g), § 87(4-b)	

Case Summary

On November 3, 2015, the CCRB received the complaint of § 87(2)(b) referred by the IAB (referral no. 15-33077). On December 2, 2015, § 87(2)(b) provided an in-person statement (Board Review 01). § 87(2)(b)'s statement is combined with the investigation's findings into the following narrative:

On October 24, 2015, around 8:30PM, § 87(2)(b) had stopped near a gas station at the intersection of East 105th Street and First Avenue in Manhattan. § 87(2)(b) and his friend, § 87(2)(b) exited the car, a Mitsubishi, to see why it had suddenly started smoking. The car was in a bus lane and had a temporary paper license plate registered to a Chevrolet in New Jersey.

Shortly after they stopped the car, § 87(2)(b) and § 87(2)(b) were approached by PO Karlina Cortes and Sgt. Edwin Jerez of the 23rd Precinct, who were in the area to investigate a recent shooting. PO Cortes asked § 87(2)(b) for his license and registration. After handing her his license, PO Cortes asked § 87(2)(b) to go to the back of his car, which he did. Sgt. Jerez then frisked § 87(2)(b)'s abdomen, chest, legs and arms for weapons (**Allegation A**).

After running § 87(2)(b)'s license, it was found that he had an open I-card issued by the 69th Precinct, alleging that § 87(2)(b) had violated an Order of Protection about three weeks earlier when he communicated with his ex-girlfriend. PO Cortes explained that § 87(2)(b) had to be taken into custody and await to be transported to the 69th Precinct to be arrested for the violation of the Order of Protection. § 87(2)(b) understood and was arrested by PO Cortes. PO Cortes charged § 87(2)(b) for the temporary license plate (Board Review 02). § 87(2)(b) was taken to the 23rd Precinct stationhouse and lodged in the cells.

Several hours after § 87(2)(b) was arrested, he remained in the 23rd Precinct stationhouse awaiting pickup by officers of the 69th Precinct. He awoke around 6:00AM on October 25, 2015 in the cell. He asked the first officer he saw, Sgt. Jonathan Hom, to escort him to the bathroom. Sgt. Hom agreed and took § 87(2)(b) to the bathroom. When § 87(2)(b) finished the bathroom and straightened up his sweatpants with a drawstring, Sgt. Hom told § 87(2)(b) that he needed to remove the drawstring from his pants. He also ordered § 87(2)(b) to get back into the cell, which he did. Sgt. Hom left the cell area.

Less than a minute later, Sgt. Hom returned to the cell, accompanied by PO Maynor Serrano and PO Thomas Buseck. PO Kristy Abbasciano arrived later. These officers asked § 87(2)(b) to stand up, but before he could do so, Sgt. Hom and PO Serrano grabbed either one of § 87(2)(b)'s legs and dragged him to the ground. Sgt. Hom and PO Serrano then punched § 87(2)(b) multiple times in the face, chest, and upper arms as he sat on the ground (**Allegations B and C**). PO Buseck guarded the other prisoners. PO Serrano then asked § 87(2)(b) to place his hands behind his back, which he did. PO Serrano handcuffed § 87(2)(b). Sgt. Hom took out a can of pepper spray, pointed it at § 87(2)(b) but did not discharge it (**Allegation D**). He then withdrew his taser gun and shot at § 87(2)(b) who suffered several shocks in a row (**Allegation E**).

As § 87(2)(b) was suffering from the after-effects of the shocks, Sgt. Hom cut and removed § 87(2)(b)'s drawstring. He and PO Serrano then picked him up and escorted him outside the cell, placing him in a chair nearby. After § 87(2)(b) sat down, PO Abbasciano stomped down hard on his right foot (**Allegation F**). Wincing from the pain, § 87(2)(b) pulled his foot from underneath PO Abbasciano's. Immediately after he did so, PO Serrano pressed his right forearm against § 87(2)(b)'s neck for about five seconds (**Allegations G and H**). § 87(2)(b) gasped for air and tried to get out of the chair, but PO Serrano pulled him back down. PO Serrano and Sgt. Hom struck § 87(2)(b) once on the right side of the face (**subsumed within Allegations B and C**). Sgt. Hom and PO Serrano then pulled § 87(2)(b) to his feet and returned him to the cell. Before the officers left, § 87(2)(b) requested their names and shield numbers. However, none of the officers responded to his request (**Allegations I, J, K, and L**).

§ 87(2)(b) informed Sgt. Arancibia, the desk sergeant, that he needed to go to a hospital. Sgt. Arancibia called the ambulance and § 87(2)(b) was taken to the § 87(2)(b) Hospital Center, which generated a UF-49 (Board Review 03). After being treated for his injuries, he was returned to the 23rd Precinct stationhouse.

§ 87(2)(b), § 87(2)(a) 160.50 After a few more hours in the 23rd Precinct stationhouse, § 87(2)(b) was picked up by a detective of the 69th precinct Detective Squad and transferred to the 69th Precinct, where he was charged for Criminal Contempt (Board Review 04).

Contact attempts were made to § 87(2)(b) upon receipt of the case. However, he declined to schedule an interview without seeking legal advice. He ultimately provided a statement to the CCRB on December 2, 2015. As a result, this case was closed two weeks past the 90-day benchmark.

Video Footage

Because § 87(2)(b) declined to provide any information about his complaint when he was first reached, the investigation learned of the incident that occurred at East 105th Street and First Avenue after any relevant footage had expired. As the second incident occurred in the cells of the 23rd Precinct stationhouse, no video footage was retained and thus could not be subpoenaed.

Mediation, Civil and Criminal Histories

- This case is unsuitable for mediation as § 87(2)(b) planned on filing a lawsuit.
- § 87(2)(b) filed a Notice of Claim on November 23, 2015 seeking \$1 million (Board Review 05).
- § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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§ 87(2)(b)

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§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- Sgt. Jerez has been a member of the service for nine years, and there are no substantiated allegations against him. § 87(2)(g)
- He is currently a subject officer in case 201509267, in which he is alleged to have stopped someone, and in case 201509459, in which he is being cited for a failure to document a strip-search. The former case remains open, and the latter has been closed and is awaiting a review by a panel.
- Sgt. Hom has been a member of the service for 10 years, and there are no substantiated allegations against him. In case 201108401, he was alleged to have hit someone with a nightstick, which was exonerated, and with a flashlight, which was unfounded. His use of pepper spray in that incident was also exonerated. In case 201310503, allegations that he used physical force and refused to obtain medical treatment were closed as Complainant Uncooperative. In case 201510597, he was also alleged to have used excessive force and to have threatened to arrest the victim. That case is currently in mediation.
- PO Serrano has been a member of the service for 11 years, and there are no substantiated allegations against him. In cases 200713273 and 200803080, he was alleged to have used physical force, but both allegations were unsubstantiated. In case 200904536, force and Gun Pointed allegations were exonerated. In case 201308561, a chokehold allegation was unsubstantiated.
- PO Abbasciano has been a member of the service for twelve years, and there are no substantiated allegations against her. In cases 206613804 and 201208417, force allegations were closed as Victim Uncooperative and Complainant Unavailable, respectively. In case 200607310, a Refusal to Provide Name and Shield allegation was unfounded. In case 200613804, the same allegation was closed as Victim Uncooperative.
- PO Buseck has been a member of the service for five years, and he has no previous CCRB complaint.

Potential Issues

The CCRB has been unable to obtain a statement from § 87(2)(b)'s friend, § 87(2)(b) who was a witness to the frisk allegation at East 105th Street and First Avenue. On December 16, 2015, § 87(2)(b) was called but he refused to provide the CRB with a statement. He said that he had no allegations to make on his own behalf (Board Review 07). § 87(2)(b) has not responded to the CCRB's exhaustive contact attempts.

The CCRB has only been able to reach one of the four people in the holding cells who were possible witnesses to the incident inside the 23rd Precinct Stationhouse. Three letters each were sent to the addresses found for § 87(2)(b) and § 87(2)(b) but none has contacted the CCRB. § 87(2)(b) was the only former prisoner who was reached by the CCRB, but § 87(2)(b) recalled very little of his stay at the 23rd Precinct stationhouse on the date of the incident, leaving the CCRB with no useful independent statement regarding that incident.

Findings and Recommendations

Allegations Not Pleaded

- **Abuse of Authority: On October 24, 2015, at East 105th Street and First Avenue, officers stopped § 87(2)(b)**
It is undisputed that Sgt. Jerez and PO Cortes stopped § 87(2)(b) for having parked his car in a bus lane and for having a temporary paper license plate. Because § 87(2)(b) was arrested for the paper plate, this allegation is not pleaded.
- **Abuse of Authority: On October 24, 2015, at East 105th Street and First Avenue, an officer frisked § 87(2)(b)**
§ 87(2)(b) alleged that when he was being frisked by Sgt. Jerez, another officer dressed in an ESU-like uniform was frisking § 87(2)(b) after the two were stopped by Sgt. Jerez and PO Cortes (Board Review 01). However, when § 87(2)(b) was called, he denied that a frisk occurred (Board Review 07). Both Sgt. Jerez and PO Cortes denied that § 87(2)(b) was frisked by any officer (Board Review 08 and Board Review 09). Because § 87(2)(b) indicated that he was not frisked, this allegation is not pleaded.

Explanation of Subject Officer Identification

§ 87(2)(b) alleged that right after he was placed in the chair by Sgt. Hom and PO Serrano, an officer stomped on his right foot and pressed down for several seconds (Board Review 01). He described this officer as a white female in uniform with blonde hair and a petite build.

PO Kristy Abbasciano was the only white female officer with blonde hair in uniform present in the stationhouse at the time. She was PO Buseck's partner and stated that when they arrived at the 23rd Precinct stationhouse for their meal, she went straight to the women's locker room. She denied going into the cells at any point during her tour (Board Review 10).

However, Sgt. Hom stated that he saw PO Abbasciano enter the cells as he and PO Serrano placed § 87(2)(b) in the chair but that she did not take any part in restraining § 87(2)(b) (Board Review 11). As a result, **Allegation F** is pled against PO Abbasciano.

Allegation A – Abuse of Authority: On October 24, 2015, at East 105th Street and First Avenue, Sgt. Edwin Jerez frisked § 87(2)(b)

§ 87(2)(b) alleged that after PO Cortes retrieved § 87(2)(b)'s license, she asked him to step to the back of his Mitsubishi along with § 87(2)(b). There, Sgt. Jerez approached § 87(2)(b) and asked him if he had any weapons on him. When § 87(2)(b) said he did not, Sgt. Jerez frisked

§ 87(2)(b)'s chest, abdomen, arms, and legs. At this point, § 87(2)(b) had not been arrested for the temporary license plates and had not been informed of the I-card (Board Review 01).

Sgt. Jerez denied frisking § 87(2)(b) prior to or during his arrest. He admitted to searching § 87(2)(b) incident to arrest. § 87(2)(b) had already been handcuffed and was about to be transported to the stationhouse. Sgt. Jerez recalled taking § 87(2)(b)'s phone, which was later vouchered by PO Cortes (Board Review 08).

PO Cortes stated that it was she, not Sgt. Jerez, who searched § 87(2)(b) prior to driving him and Sgt. Jerez back to the stationhouse. § 87(2)(b), § 87(2)(g), § 87(2)(h) She remembered retrieving § 87(2)(b)'s phone, wallet, and keys. She said that when they arrived at the stationhouse, she frisked § 87(2)(b) for weapons immediately prior to lodging him in the cell (Board Review 09).

As stated above, § 87(2)(b) who was present during this incident, has refused to respond to the CCRB's contact attempts.

§ 87(2)(b), § 87(2)(g), § 87(2)(h)
§ 87(2)(b)
§ 87(2)(b)

Allegation B – Force: On October 25, 2015, inside the 23rd Precinct stationhouse, Sgt. Jonathan Hom used physical force against § 87(2)(b)

Allegation C – Force: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Maynor Serrano used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after Sgt. Hom informed him that his drawstring needed to be removed, Sgt. Hom left the cell and returned with additional officers. Sgt. Hom and PO Serrano approached § 87(2)(b) who was sitting on a bench, grabbed § 87(2)(b)'s legs, and dragged him down to the ground. § 87(2)(b) hit the back of his head against the wall and his back against the bench as he was sat down. Sgt. Hom and PO § 87(2)(b) then started punching § 87(2)(b) in rapid succession, striking his face, chest, and upper arms, § 87(2)(b) attempted to shield his face from their blows but was unable to prevent them (Board Review 01).

Later on, after Sgt. Hom and PO Serrano placed § 87(2)(b) in a chair outside the cell, both officers struck him once again on the right side of his face. § 87(2)(b) denied ever resisting the officers and obeyed their commands whenever he heard them.

Both Sgt. Hom and PO Serrano denied ever punching § 87(2)(b) in the face or anywhere else on his body. Sgt. Hom and PO Serrano provided an altogether different narrative from § 87(2)(b). Sgt. Hom explained that after he explained to § 87(2)(b) that he had to remove his drawstring, § 87(2)(b) yelled, "I'm not taking these strings out!" Seeing that § 87(2)(b) was larger than himself and would not be willing to remove the drawstring on his own, Sgt. Hom left the cell and called for PO Serrano and PO Buseck, who were near the front desk, to come to assist him. When they all returned to the cell, Sgt. Hom told § 87(2)(b) again to take out his drawstring. § 87(2)(b) yelled, "I told you I'm not taking these fucking strings out!" (Board Review 11).

Sgt. Hom and PO Serrano issued multiple verbal commands to § 87(2)(b) urging him to calm down and to remove the drawstring, but § 87(2)(b) continued to yell and curse. Sgt. Hom then grabbed § 87(2)(b)'s left arm in an attempt to handcuff him. PO Serrano and PO Buseck held § 87(2)(b)'s other arm. § 87(2)(b) resisted violently by trying to get his arms out of the officers' grasps and by trying to get up from the bench. After struggling for about a minute, they managed to handcuff § 87(2)(b) as he sat on the bench. The officers then lifted him up and attempted to walk him over to a chair outside the cell. § 87(2)(b) continued to resist by trying to pull his arms away and by trying to walk back to the cell.

Holding § 87(2)(b)'s arms as tightly as they could, they managed to force him over to the chair. However, § 87(2)(b) now resisted by trying to get up from the chair. All throughout, he was yelling and screaming about having his drawstring be taken out. Sgt. Hom had to press his forearm against § 87(2)(b)'s chest in order to restrain him enough so that another officer could remove his drawstring. After the drawstring was removed, § 87(2)(b) started to calm down. The officers continued to hold him to the chair for about thirty seconds until he calmed down enough to be taken back to the cell.

PO Serrano corroborated most of Sgt. Hom's testimony. He added that § 87(2)(b) when he was still on the bench, shoved Sgt. Hom in the chest after Sgt. Hom grabbed his left arm. Sgt. Hom did not appear to fall because of the shove. § 87(2)(b) then stood up and assumed a fighting stance against the officers. He also added that § 87(2)(b) claimed, "You're not taking anything from me" and "Fuck you guys" (Board Review 12).

PO Buseck stated that as Sgt. Hom and PO Serrano were trying to convince § 87(2)(b) to take out his drawstring in the cell, he kept his eyes on the other prisoners to make sure that they would not intervene. He did not witness most of the struggle in the cell as his back was turned. However, he heard Sgt. Hom and PO Serrano tell § 87(2)(b) repeatedly to "Stop resisting!" "Stop kicking!" and "Stop spitting!" He heard § 87(2)(b) respond, "Screw off!" He did not make any physical contact with § 87(2)(b) until after he was placed in the chair by Sgt. Hom and PO Serrano (Board Review 13).

When § 87(2)(b) was put in the chair, PO Buseck assisted Sgt. Hom and PO Serrano by holding down § 87(2)(b)'s right arm. He denied that any of the officers punched § 87(2)(b) or that they did anything other than hold his arms.

§ 87(2)(b) who was present in the cells at this time, claimed to have no recollection of this incident and did not remember any kind of commotion in the cells (Board Review 14). In the Unusual Occurrence Report, § 87(2)(b) told the IAB that he was awoken by § 87(2)(b)'s yelling. He did not see any officers punch him in the face (Board Review 03).

The Unusual Occurrence Report, prepared by Capt. Gurley shortly after § 87(2)(b) was returned from the hospital, also stated that § 87(2)(b) admitted to being "combative", "aggressive" and "uncooperative" with the officers and to yelling, spitting, and trying to stand up as the officers grabbed hold of him. He claimed that Sgt. Hom punched him once in the right eye. He did not allege that PO Serrano punched him at all.

§ 87(2)(b) was taken to the § 87(2)(b) Hospital Center shortly after the incident, where he complained of face and chest pain. He stated that police officers punched him in the right side of his face, upper left area of his chest, and in his arms. He rated his pain a 5 on a scale of 10, but later dropped that rating to 3. The EMTs noted that § 87(2)(b) was very volatile and threatened to “turn up”, leading them to refrain from taking his vials for their safety. The doctor who attended § 87(2)(b) noted that his face and chest were tender to the touch diagnosed him with “atypical face pain”. § 87(2)(b) was given Tylenol in the hospital. He was prescribed additional Tylenol and instructed to return to the hospital if he still had pain (Board Review 15).

§ 87(2)(b) was treated at the § 87(2)(b) the day after the incident in a regular checkup. He made no complaint of being injured or in pain and made no mention of this incident. He was not given any medication or instructions upon discharge (Board Review 16).

§ 87(2)(b), § 87(2)(g)

Allegation D – Abuse of Authority: On October 25, 2015, inside the 23rd Precinct stationhouse, Sgt. Jonathan Hom threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that after Sgt. Hom and PO Serrano finished punching him in the cell, PO Serrano placed § 87(2)(b) in handcuffs. Immediately after that, Sgt. Hom withdrew his can of pepper spray and pointed it directly at § 87(2)(b). Sgt. Hom did not issue any verbal command prior to taking out the can of pepper spray. Sgt. Hom did not discharge the pepper spray, as § 87(2)(b) was allegedly tased by PO Serrano immediately afterward (Board Review 01).

Sgt. Hom admitted to telling § 87(2)(b) that if he did not stop resisting, he would be pepper-sprayed. However, he denied ever taking out his can of pepper spray and pointing it at § 87(2)(b) as he quickly decided against actually using pepper spray. He realized that PO Serrano, PO Buseck, and the three other prisoners were in close enough proximity to him and § 87(2)(b) that they would also be affected by the pepper spray if he were to use it (Board Review 11).

PO Serrano and PO Buseck both denied that Sgt. Hom took out a can of pepper spray and pointed it at § 87(2)(b). Neither of them heard Sgt. Hom verbally threaten to pepper spray § 87(2)(b) (Board Review 12 and Board Review 13).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation E – Force: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Maynor Serrano tased § 87(2)(b)

§ 87(2)(b) alleged that after PO Serrano handcuffed him in the cell, PO Serrano took out his taser gun and discharged it. The prongs hit § 87(2)(b) in the right side of his torso. § 87(2)(b) felt a sudden shock, followed by another one five seconds later and another five to ten seconds after that. § 87(2)(b) was discombobulated from the shocks. As he lay stunned on the ground, an officer removed his drawstring. An officer then “yanked” the taser prongs out of § 87(2)(b)'s torso, tearing off some of his skin (Board Review 01).

PO Serrano, Sgt. Hom, and PO Buseck all denied that any officer tased § 87(2)(b) during this incident. PO Serrano and Sgt. Hom admitted that PO Serrano, a training officer, withdrew his taser in the cell and pointed it at § 87(2)(b) when § 87(2)(b) refused to remove his drawstring. Both officers corroborated that PO Serrano ordered § 87(2)(b) several times to put his hands behind his back or else he would use the taser. After multiple verbal commands, § 87(2)(b) turned around and put his hands behind his back, allowing the officers to handcuff him without PO Serrano having to use the taser (Board Review 11 and Board Review 12).

No documentation was made concerning the use of a taser in this incident. No Less Than Lethal Use of Force report was prepared, no notation was made in the Command Log, and PO Serrano made no mention of it in his memo book (Board Review 17, Board Review 18, and Board Review 19). § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation F – Force: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Kristy Abbasciano used physical force against § 87(2)(b)

§ 87(2)(b) alleged that right after he was placed in the chair by Sgt. Hom and PO Serrano, an officer matching PO Abbasciano's description stomped on his right foot (Board Review 01).

PO Abbasciano stated that she was in the women's locker room between 5:38AM and 6:38AM, and never went to the cells at any point during her tour. She denied stomping on any prisoner's foot and claimed to know nothing about this incident (Board Review 10).

Sgt. Hom, PO Serrano, and PO Buseck all denied stomping on § 87(2)(b)'s foot or seeing another officer stomp on his foot. None made any accidental contact with his feet (Board Review 11, Board Review 12, and Board Review 13). Of these three officers, only Sgt. Hom identified PO Abbasciano as being inside the cell during the incident, but stated that PO Abbasciano had no physical contact with § 87(2)(b). Instead, she only gave § 87(2)(b) verbal commands to calm down, which he ignored (Board Review 11).

§ 87(2)(b), § 87(2)(g)

Allegation G – Force: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Maynor Serrano used a chokehold against § 87(2)(b).
Allegation H – Force: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Maynor Serrano restricted § 87(2)(b)'s breathing.

§ 87(2)(b) alleged that after PO Abbasciano stomped on his foot, the resulting pain caused him to pull his foot out from underneath hers. Immediately after that, PO Serrano placed his right forearm directly underneath § 87(2)(b)'s chin, placing great pressure on his throat. § 87(2)(b) gasped for air and could not say anything. He tried to get up from the chair to release the pressure on his throat, but PO Serrano and Sgt. Hom pulled him back down on the chair. PO Serrano pressed on § 87(2)(b)'s throat for about five seconds (Board Review 01).

PO Serrano roundly denied using a chokehold against § 87(2)(b) or placing any pressure on § 87(2)(b)'s throat as he sat on the chair. He denied making any physical contact with § 87(2)(b)'s neck or chest. He admitted to restraining § 87(2)(b) to the chair by holding down his right shoulder for about thirty seconds as Sgt. Hom cut and removed the drawstring. He did not hear § 87(2)(b) gasp for air, say he could not breathe, and did not see any signs on § 87(2)(b) indicating an inability to breathe freely. However, he stated that § 87(2)(b) repeatedly tried to get up from the chair and continued to yell and scream at the officers (Board Review 12).

Sgt. Hom also denied that PO Serrano placed § 87(2)(b) in a chokehold or that he placed any pressure on § 87(2)(b)'s neck or chest. He denied that any of the officers, PO Buseck included, made any contact with § 87(2)(b)'s neck. He stated that he, PO Serrano, and PO Buseck held down § 87(2)(b)'s arms and legs in order to keep him in the chair. He did not hear § 87(2)(b) gasp for air and saw no signs that his breathing was in any way restricted by his being held down by the officers (Board Review 11).

However, Sgt. Hom admitted that, after § 87(2)(b) tried to get up from the chair, he placed his left forearm on § 87(2)(b)'s chest across the “nipple-area” and pressed down for about thirty seconds. It was during this time that either PO Serrano or PO Buseck cut and removed the drawstring. Sgt. Hom did not see any signs that his pressing down on § 87(2)(b)'s chest restricted his breathing.

PO Buseck denied that any of the officers used a chokehold against § 87(2)(b). He stated that the only force he used on § 87(2)(b) was to hold down his right arm, as it appeared to him that § 87(2)(b) was trying to punch either Sgt. Hom or PO Serrano. He did not make any contact with his neck or chest and only saw Sgt. Hom and PO Serrano holding down § 87(2)(b)'s arms as well. He did not see any signs that § 87(2)(b) had trouble breathing, including gasping for air, saying he could not breathe, or changing complexion (Board Review 13).

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation I – Abuse of Authority: On October 25, 2015, inside the 23rd Precinct stationhouse, Sgt. Jonathan Hom refused to provide his name and shield number to § 87(2)(b)

Allegation J – Abuse of Authority: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Maynor Serrano refused to provide his name and shield number to

§ 87(2)(b)
Allegation K – Abuse of Authority: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Thomas Buseck refused to provide his name and shield number to § 87(2)(b)

Allegation L – Abuse of Authority: On October 25, 2015, inside the 23rd Precinct stationhouse, PO Kristy Abbasciano refused to provide her name and shield number to
§ 87(2)(b)

§ 87(2)(b) alleged that after the officers put him back in the cell after they removed his drawstring, he asked them for their names and shield numbers, which they refused to provide (Board Review 01).

Both Sgt. Hom and PO Buseck denied that § 87(2)(b) requested their names and shield numbers, though they recalled him making several statements to the officers (Board Review 11 and Board Review 13). PO Serrano also did not hear § 87(2)(b) request the officers' names and shield numbers, but he stated that, as he held § 87(2)(b)'s arm as § 87(2)(b) sat in the chair, § 87(2)(b) appeared to have read PO Serrano's nameplate and said, "Serrano...Serrano..." a number of times (Board Review 12).

PO Abbasciano denied being involved in this incident and claimed to have no knowledge of it. She did not hear any prisoner ask for her name or her shield number (Board Review 10).

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Squad: _____

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date